

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	
)	
)	Case No. 4:18-CR-35
v.)	
)	Judge Collier
)	
RHONDA KAY DAVIS)	

ORDER

On May 23, 2019, Magistrate Judge Christopher Steger filed a report and recommendation recommending the Court (1) grant Defendant's motion to find her presently incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense (Doc. 36), and (2) grant the Government's motion for psychiatric treatment (Doc. 38). (Doc. 41.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 41) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's Motion (Doc. 36) requesting that the Court find that Defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense under 18 U.S.C. § 4241(d) is **GRANTED**.
2. The Government's Motion for Psychiatric Treatment (Doc. 38) is **GRANTED** and the Court **ORDERS** that:
 - a. Defendant remain at FMC Carswell in "the custody of the Attorney General . . . [to] hospitalize [] [D]efendant for treatment . . . for such a reasonable period of time, not to exceed four months, as is necessary to determine

whether there is a substantial probability that in the foreseeable future [s]he will attain the capacity to permit the proceedings to go forward[.]” 18 U.S.C. § 4241(d)(1).

- b. If at any time during Defendant’s initial period of commitment, however, the director of the facility determines that Defendant has recovered her competency, the director shall file a certificate to that effect promptly with the Clerk of this Court. *See* 18 U.S.C. § 4241(e).
- c. Defendant shall be given any necessary medications if determined appropriate to do so by the medical staff at the facility.
- d. The examiners shall have access to the Indictment (Doc. 1) and any other relevant pleadings in this case, as well as all reports available to the United States Probation Office relating to Defendant in the instant case.
- e. The examiners shall have access to all available medical records on Defendant.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE